

16-524 DISTRICT "F-P" FLOOD PLAIN OVERLAY DISTRICT.

- 524.1 INTENT AND PURPOSE OF DISTRICT. The "F-P" Flood Plain Overlay District is established to promote the public health, safety, and general welfare and to minimize the loss of life and property in those areas subject to inundation as the result of flooding. This district is an overlay district in that it overlaps other zoning district classifications. The requirements of both the "F-P" district and those of the underlying zoning district shall apply to those areas zoned "F-P"; however, where these regulations conflict, the most restrictive requirements shall take precedence. In District "F-P", no building or land shall be used, and no building or structure shall be erected, altered or enlarged other than in accordance with the regulations below. The "F-P" Flood Plain Overlay Districts shall be conterminous with the areas of special flood hazard identified as Zone A by the Federal Emergency Management Agency (FEMA) in the Flood Insurance Rate Map for the City of Gardner, Kansas.
- 524.2 USE REGULATIONS. Uses permitted in the underlying zoning district shall also be permitted in the "F-P" Flood Plain District in accordance with these regulations. Uses permitted as conditional uses in the underlying zoning district shall also be permitted as conditional uses in the "F-P" Flood Plain District.
- 524.3 PERFORMANCE STANDARDS. The Codes Administrator, in reviewing all applications for new construction, substantial improvements, prefabricated buildings, placement of manufactured homes and other development(s) (as defined in this Ordinance) will: Obtain, review and reasonably utilize, if available, any regulatory flood elevation data and floodway data available from Federal, State or other sources, until such other data is provided by the Federal Insurance Administration in a Flood Insurance Study; and require within areas designated as Zone A on the official map that the following performance standards be met:
- A. Residential Construction - New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one (1) foot above the base flood elevation. The one foot above the base flood elevation shall extend at such elevation at least fifteen (15) feet beyond the limits of any structure or building erected thereon.
 - B. Non-residential Construction - New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to one (1) foot above the level of the base flood elevation or, together with the attendant utility and sanitary facilities, be flood proofed so that below such a level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Codes Administrator.
 - C. Construction materials and utility equipment shall be resistant to flood damage.
 - D. Construction methods and practices will be such to minimize flood damage.

- E. All development shall be designed (or modified) and adequately anchored to prevent the flotation, collapse or lateral movement of the structure or portions of the structure from hydrodynamic and hydrostatic loads; including the effects of buoyancy.
- F. New structures be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- G. New and replacement water and sewer systems shall be constructed to eliminate or minimize infiltration by, or discharge into floodwaters. Moreover, on-site waste disposal systems will be designed to avoid impairment or contamination during flooding.
- H. The flood carrying capacity within the altered or relocated portion of any watercourse shall be maintained. The City will notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Emergency Management Agency. Moreover, the City will work with appropriate State and Federal agencies in every way possible in complying with the National Flood Insurance Program in accordance with the National Flood Disaster Protection Act of 1973.
- I. Require for all new construction and substantial improvements that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- J. Manufactured Homes - Assure that all manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with State laws, local building codes and FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:
 - 1. Over-the-top ties be provided at each of the four corners of the manufactured home with two additional ties per side at the intermediate locations and manufactured homes less than 50 feet long requiring one additional tie per side.
 - 2. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and manufactured homes less than 50 feet long requiring four additional ties per side.

3. All components of the anchoring system be capable of carrying a force of 4800 pounds.
 4. Any additions to manufacture homes be similarly anchored. Require that all manufactured homes to be placed within Zones A1-30, AH, and AE on the community's FIRM be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above one foot above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 6f.
- K. The Governing Body of the City shall review all subdivision applications and other proposed new developments, including manufactured home parks or subdivisions, and shall make findings of fact and assure that:
1. All such proposed developments are consistent with the need to minimize flood damage.
 2. Subdivision proposals and other proposed new developments (including proposals for manufactured home parks and subdivisions), greater than five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals regulatory flood elevation data in areas designated Zone A.
 3. Adequate drainage is provided so as to reduce exposure to flood hazards.
 4. All public utilities and facilities are located so as to minimize or eliminate flood damage.

524.4 DEFINITIONS. The following definitions shall apply to the Flood Plain District:

- A. FLOOD PLAIN. Areas subject to flooding as denoted on the official zoning map of the City of Gardner, Kansas, as amended.
- B. DEVELOPMENT. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
- C. FLOOD. A temporary rise in stream's flow or stage that results in water overflowing its banks and inundating areas adjacent to the channel or an unusual and rapid accumulation of runoff or surface waters from any source.
- D. FLOODPROOFING. Any combination of structural and non-structural additions, changes, or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.
- E. LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in

an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

- F. **MANUFACTURED HOME.** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "Manufactured home" does not include park trailers, travel trailers, and other similar vehicles.
- G. **MANUFACTURED HOME PARK (SUBDIVISION).** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- H. **REGULATORY FLOOD ELEVATION.** The water surface elevation of the 100-year flood.
- I. **START OF CONSTRUCTION.** For other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include the excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.
- J. **STRUCTURE.** A walled and roofed structure, including a gas or liquid storage tank that is principally above the ground, including but without limitation to buildings, factories, sheds, cabins, manufactured homes and other similar uses.
- K. **SUBSTANTIAL IMPROVEMENT.** Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement is started, or if the structure has been damaged and is being restored before the damage occurred. For the purpose of this definition "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any alteration to comply with existing State or local health, sanitary, building or safety codes or regulations as well as structures listed in National or State Registers of historic places.

- L. 100-YEAR FLOOD. The condition of flooding having a one percent chance of annual occurrence.